

DEPARTMENT OF THE ARMY PERMIT

Permittee City of Beverly, William Scanlon

Permit No. NAE-2006-500

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Mechanically dredge approximately 53,800 cubic yards of material to elevation - 6 feet MLW from the Bass River and disposal of the material at the Massachusetts Bay Disposal Site. The total dredged area would be 315,005 square feet of which 94,105 square feet would be in intertidal areas.

This work is shown on the attached plans entitled, MAINTENANCE DREDGING, CITY OF BEVERLY, on 7 sheets, and dated "01/06/12."

Project Location:

Bass River off of River Street and McPherson Drive in Beverly, Massachusetts.

Permit Conditions:

General Conditions:

December 31, 2018

1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be achieved by including the entire permit in the specifications for work. The term "entire permit" means this permit (including its drawings, plans, appendices and other attachments) and also includes permit modifications.

(Special conditions continued on Page 4)

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☐ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☒ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1415).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

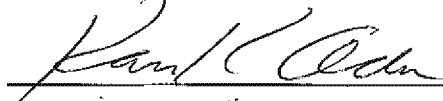
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Karen K. Adams  
Chief, Permits & Enforcement Branch  
Regulatory Division, For District Engineer

  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)

(Special conditions continued from Page 2)

If the permit is issued after the construction specifications, but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee shall complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

3. Before starting work the applicant shall submit to the Corps of Engineers a final compensatory mitigation plan as compensation for dredging in intertidal areas. This mitigation plan shall include the culvert replacement at Obear Park in the City of Beverly that will improve tidal flow and restoration of the salt marsh. The mitigation plan shall also include the removal of about 4,860 square feet of road runoff sediment at McPherson Drive site, and resetting of about 450 square feet of riprap at the Bass Haven Yacht Club to restore mudflat habitat.

4. No in-water activities should occur from February 15 to September 30 of any year to protect spawning, egg and young-of-the year habitat for winter flounder, as well as soft-shell clams that serve as prey for federally-managed species.

5. At least ten working days in advance of the start date, the permittee or their agent shall notify the First Coast Guard District, Local Notice to Mariners Office, (617) 223-8356, and Aids to Navigation Office, (617) 223-8358, of the location and estimated duration of the dredging and disposal operations.

6. Except when directed otherwise by the Corps for site management purposes, all disposal of dredged material shall adhere to the following:

a. The permittee shall release the dredged material at a specified set of coordinates within the disposal site with the scow at a complete halt.

b. When a disposal buoy is present at the specified coordinates, disposal shall occur with the side of the scow at least 100 feet and no greater than 200 feet from the buoy to minimize collisions with the buoy.

These requirements must be followed except when doing so will create unsafe conditions because of weather or sea state, in which case disposal with the scow moving only fast enough to maintain safe control (generally less than one knot) is permitted. Disposal is not permitted if these requirements cannot be met due to weather or sea conditions. In that regard, special attention needs to be given to predicted conditions prior to departing for the disposal site.

7. Dredging Quality Management

a. Every discharge of dredged material at the disposal site requires monitoring by the contractor. This disposal monitoring of dredging projects must be performed using the

Dredging Quality Management (DQM) system software and hardware system [formerly Silent Inspector (SI)] developed by the Corps. The DQM system must have been certified by the Corps within a year of the disposal activity. See the National DQM Support Center site <http://dqm.usace.army.mil> for additional DQM information. Questions regarding certification should be addressed to the DQM Point of Contact at the Corps New England District [Norm Farris, (978) 318-8336].

b. The permittee is responsible for ensuring that the system is operational throughout the project and that project data are submitted to the National SI Support Center in accordance with the specifications provided at the aforementioned website. If any component of the system is inoperable, disposal may not take place unless otherwise authorized by the Corps New England District DQM Point of Contact.

c. The DQM system used by the permittee must be capable of providing the information necessary for the Scow Monitoring Profile Specification. The permittee is also responsible to provide the Corps (see below for submittal information) with a record of estimated barge volume for each trip. If barge volume information is not provided through the SI system utilized, the permittee must submit a weekly report to Corps that provides estimated volume (cubic yards), date and disposal time for each trip. The data collected by the DQM system shall, upon request, be made available to the Corps.

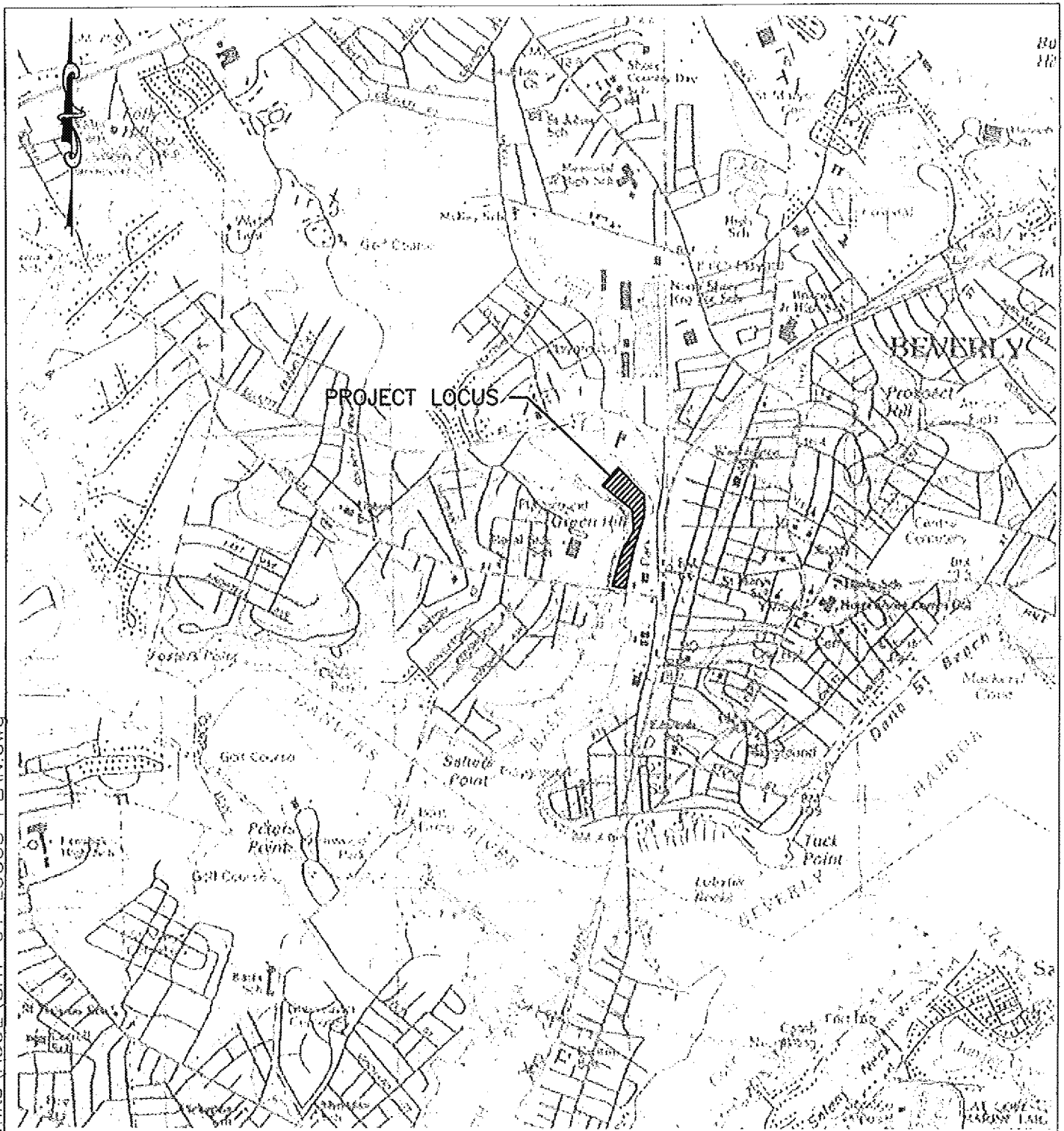
d. For the initiation of disposal activity and any time disposal operations resume after having ceased for one month or more, the permittee or the permittee's representative must notify the Corps at least ten working days before the date disposal operations are expected to begin or resume. See below for contact information. The information to be provided in this notification is: permit number, permittee name, address and phone number, phone number of the dredging contractor, name, address and phone number of towing contractor, estimated dates dredging is expected to begin and end, name of all disposal vessels to be employed in the work and copies of their certification documents, name of the disposal site, and estimated volume of material to be dredged. Disposal operations shall not begin or resume until the Corps issues a letter authorizing the initiation or continuation of open-water disposal. The letter will include disposal point coordinates to use for this specific project at that time. These coordinates may differ from those specified for other projects using the same disposal site or even from those specified earlier for this project. It is not necessary to wait ten days before starting disposal operations. They may start as soon as this letter is issued.

8. If any material is released beyond the limits specified in this permit, the Captain or the permittee must notify the Corps immediately by phone (see below for contact information). Information provided shall include disposal coordinates, permit number, volume disposed, date and time of disposal, circumstances of incident, disposal vessel name, name of caller, and phone number of caller. If no person is reached at the number above, a voice message with the relevant information should be provided. In addition, a detailed written report must be provided to the Corps within 48 hours following any such incident.


9. Unless otherwise stated, all submittals and coordination related to these special conditions shall be submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, b) EMAIL: [charles.n.farris@usace.army.mil](mailto:charles.n.farris@usace.army.mil); or c) FAX: (978) 318-8303. Direct dredge related questions to

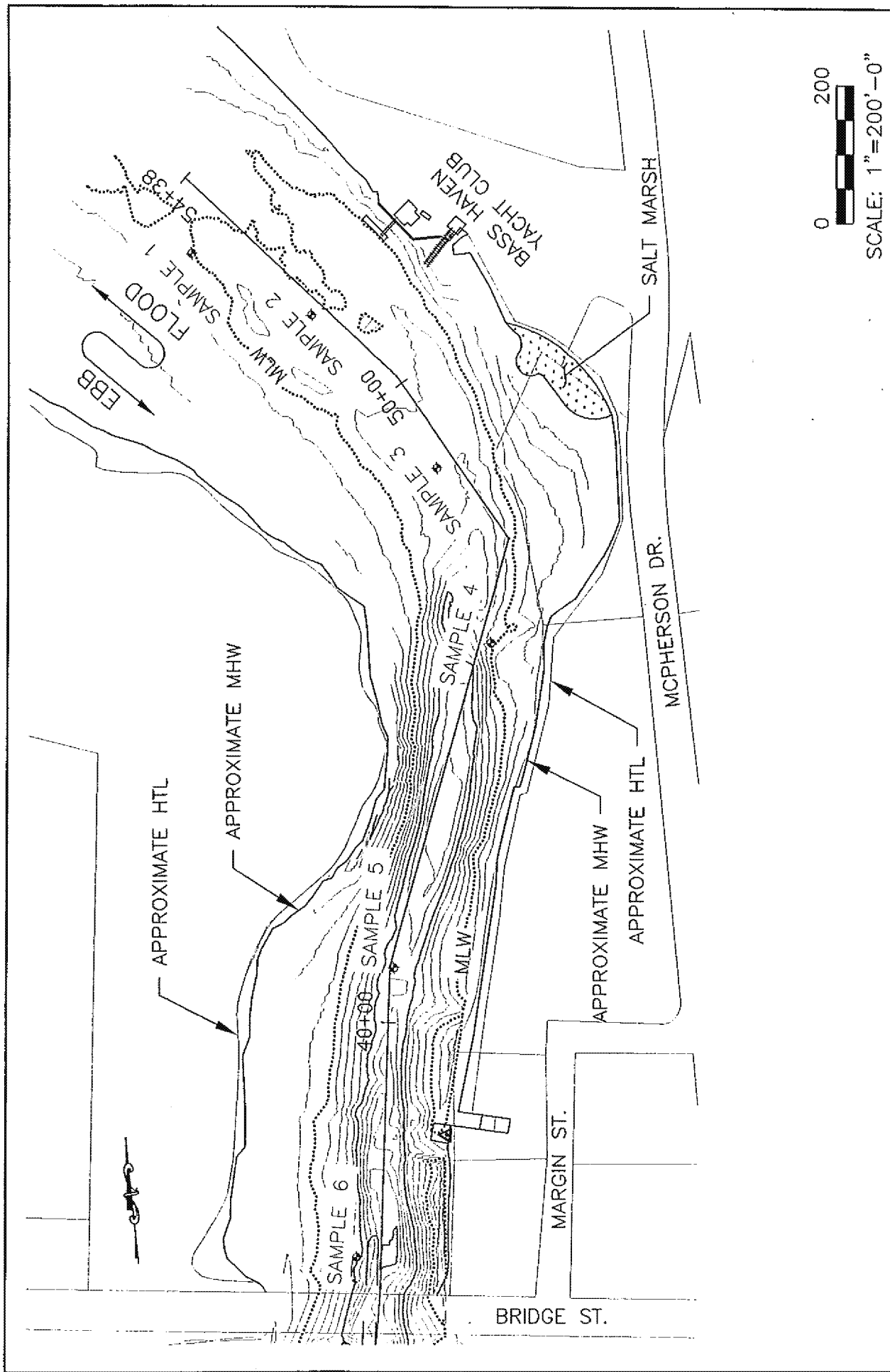
(978) 318-8336 or (978) 318-8338. Documents which are not addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

File: X:\30774-30800\Permits\ACOE\SH-01 LOCUS PLAN.dwg



SCALE: 1"=2000'-0"

<b>PURPOSE:</b>  <b>MAINTENANCE DREDGING</b>	<b>TITLE:</b>  <b>LOCUS PLAN</b>	<b>APPLICATION BY:</b>  <b>CITY OF BEVERLY</b>
100 YR FLOOD    +14.5 HTL                +11.37 MHW               +9.03 NGVD              +4.50 MLW               0.0	 <b>Bourne Consulting Engineering</b> <small>8 West Street Franklin, MA 01830 TEL: (508) 533-8000 FAX: (508) 533-8000</small>	IN: BEVERLY AT: BASS RIVER COUNTY: ESSEX      STATE: MA SHEET 1 OF 6      DATE: 01/06/12



IN: BEVERLY AT: BASS RIVER COUNTY: ESSEX STATE: MA	EXISTING CONDITIONS	TITLE:	100 YR FLOOD +14.5 HTL +11.37 MHW +9.03 NGVD MLW +4.50 0.0
SHEET 2 OF 6 DATE: 01/06/12	APPLICATION BY: CITY OF BEVERLY	PURPOSE: MAINTENANCE DREDGING	<b>BCE</b> Bourne Consulting Engineering 2 West Street Bourne, MA 02532 TEL: (508) 255-0000 FAX: (508) 255-0009

FILE: Y:\30774 - 3080\PRINTS\ACOE\SHT-02\_FINAL\CONDITIONS.DWG



LEGEND:

TOTAL IMPACT AREA -  
CHANNEL AND SIDE SLOPES



AREA ABOVE MLW



1955 HISTORIC BASIN  
MA DPW CONTRACT 1455



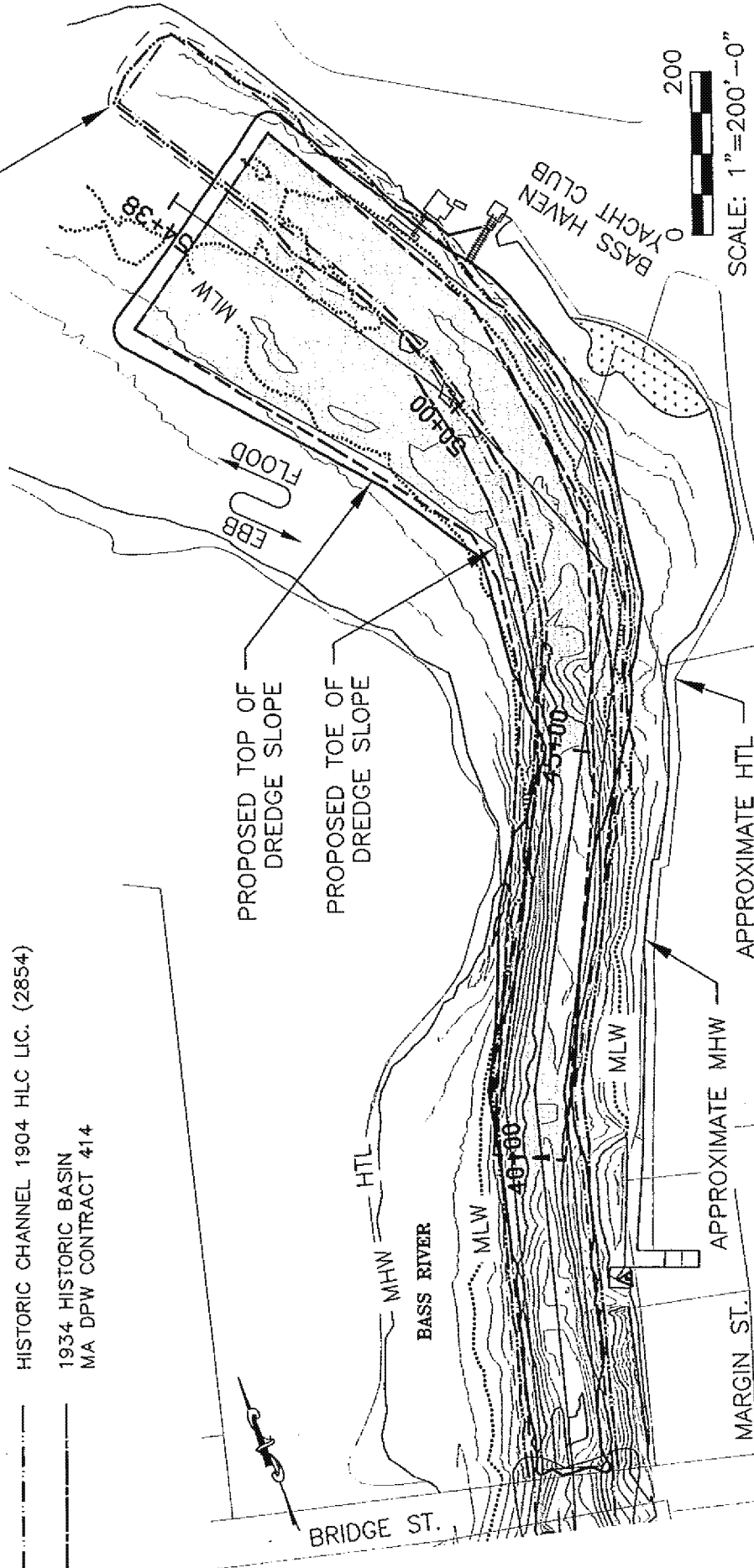
HISTORIC CHANNEL 1904 HLC LIC. (2854)





1934 HISTORIC BASIN  
MA DPW CONTRACT 414

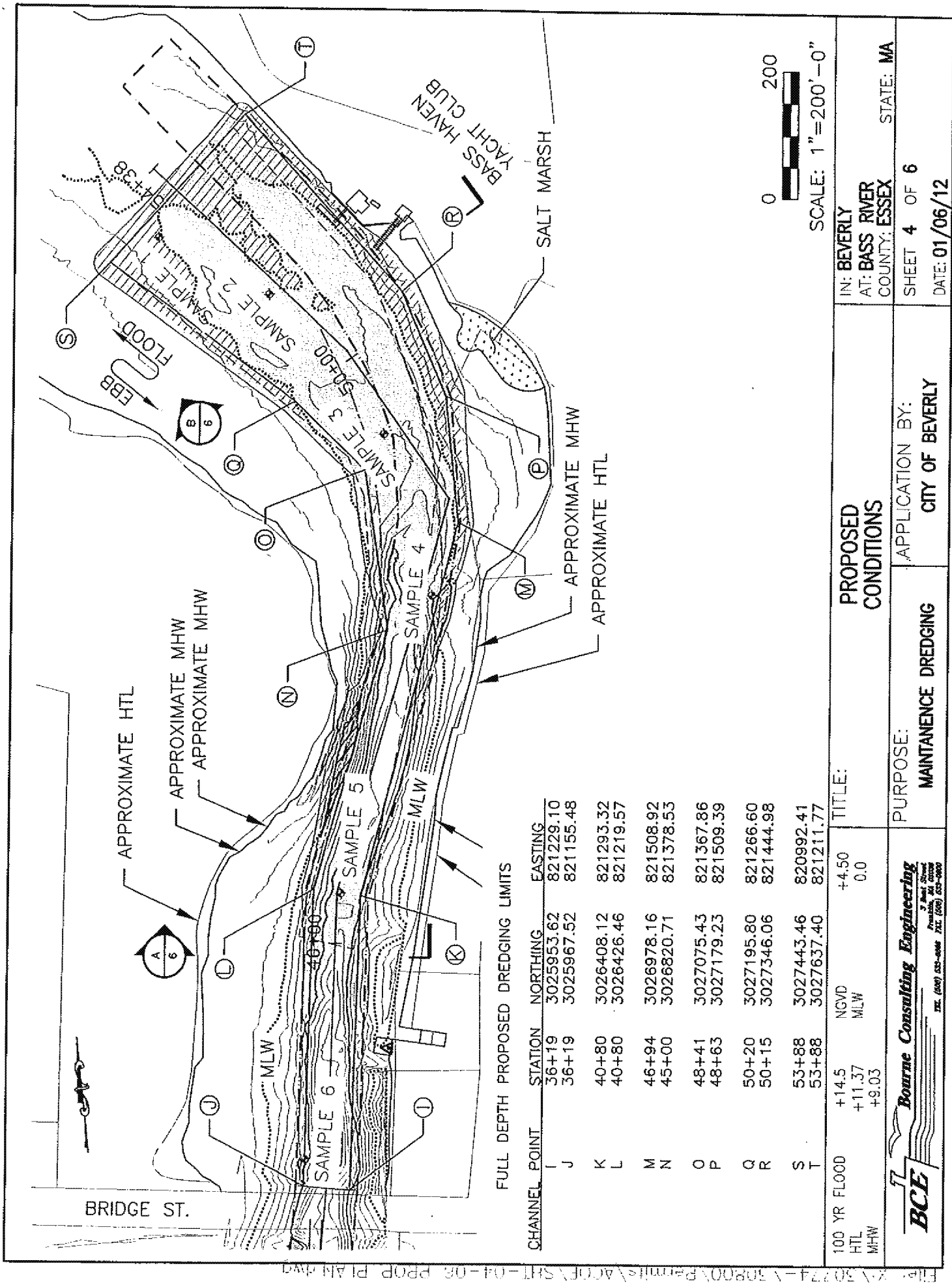


LIMIT OF 1904 DREDGE IMPACT

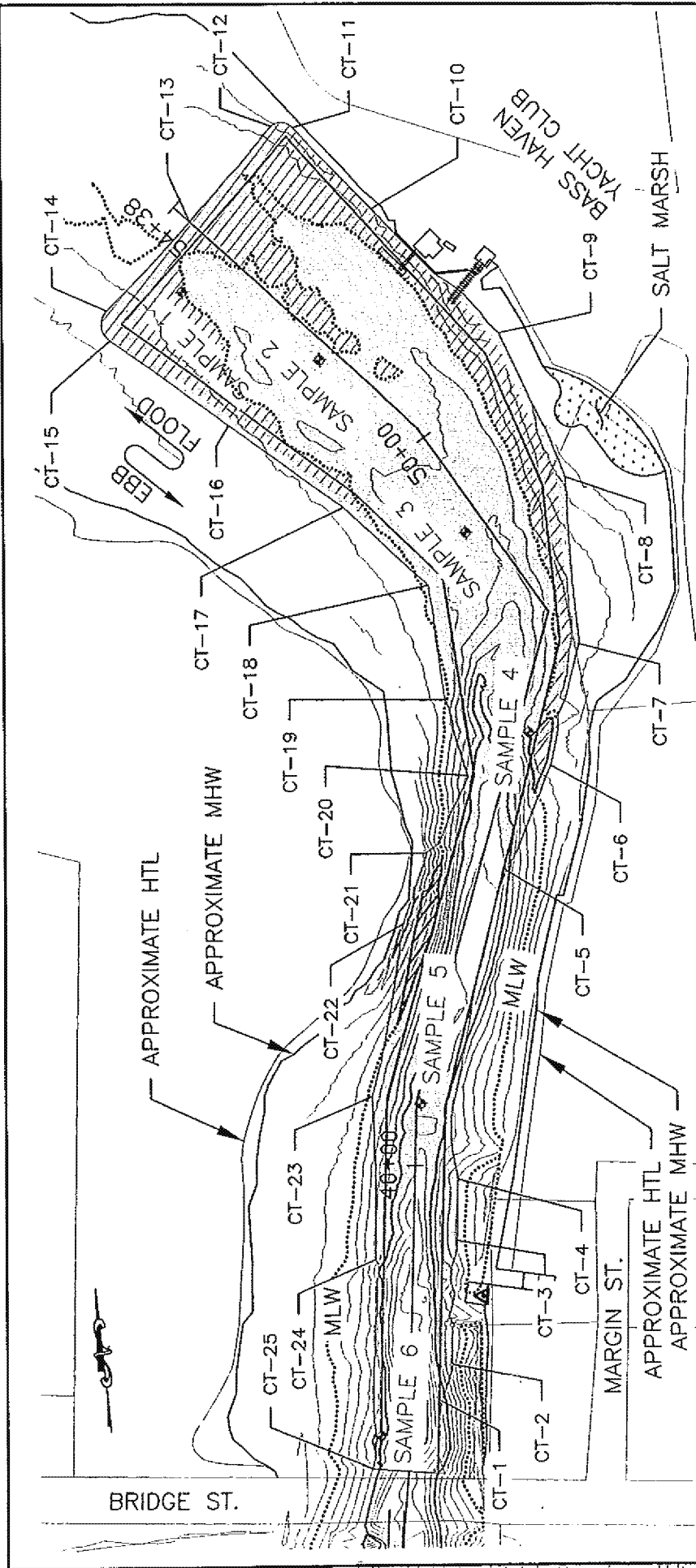


100 YR FLOOD		+14.5	NGVD	+4.50	TITLE:  EXISTING W/ HISTORICAL LIMITS & PROPOSED SHADING	IN: BEVERLY AT: BASS RIVER COUNTY: ESSEX STATE: MA
HTL		+11.37	MLW	0.0		
MHW		+9.03				
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**Bourne Consulting Engineering**  
 2 West Street  
 Beverly, MA 01915  
 TEL: (978) 552-4000 FAX: (978) 552-0000



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PROPOSED DREDGING LIMITS

CONTROL POINT	NORTHING	EASTING	CONTROL POINT	NORTHING	EASTING
CT-1	3026042.42	821244.48	CT-23	3026431.30	821200.20
CT-2	3026086.59	821264.93	CT-24	3026228.29	821181.22
CT-3	3026239.20	821288.17	CT-25	3025968.70	821147.04
CT-4	3026315.07	821298.43			
CT-5	3026695.49	821405.37			
CT-6	3026822.88	821478.51			
CT-7	3026971.06	821532.76			
CT-8	3027184.92	821539.81			
CT-9	3027375.27	821476.04			
CT-10	3027553.06	821330.68			
CT-11	3027666.32	821242.33			
CT-12	3027670.96	821214.32			
CT-13	3027585.00	821077.01			
CT-14	3027462.64	820975.46			
CT-15	3027423.82	820974.66			
CT-16	3027299.72	821114.70			
CT-17	3027179.46	821250.64			
CT-18	3027067.74	821348.08			
CT-19	3026920.66	821352.40			
CT-20	3026822.06	821370.70			
CT-21	3026729.41	821306.14			
CT-22	3026642.34	821265.33			



<b>100 YR FLOOD</b> +14.5 NGVD <b>HTL</b> +11.37 MLW <b>MHW</b> +9.03		<b>TITLE:</b> PROPOSED CONDITIONS	<b>IN: BEVERLY</b> <b>AT: BASS RIVER</b> <b>COUNTY: ESSEX</b> <b>STATE: MA</b>
<b>PURPOSE:</b> MAINTENANCE DREDGING		<b>APPLICATION BY:</b> CITY OF BEVERLY	<b>SHEET 5 OF 6</b> <b>DATE: 01/06/12</b>

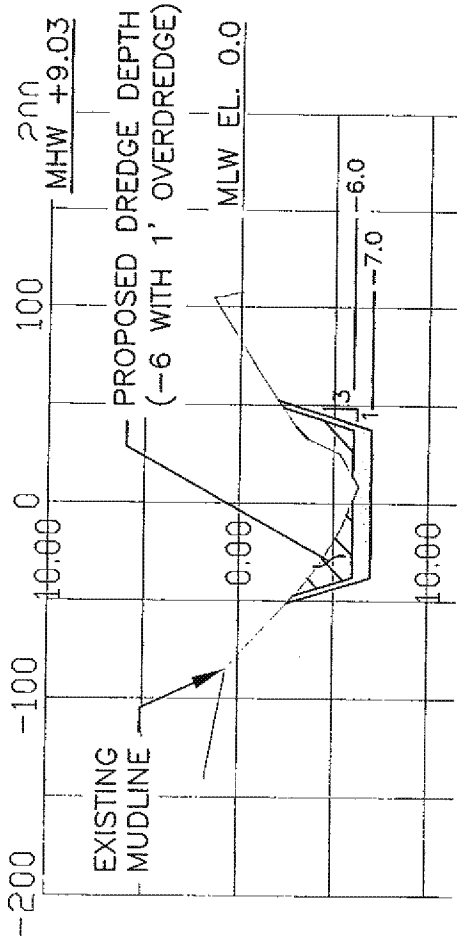
**Bourne Consulting Engineering**  
 2nd Street  
 Bourne, MA 01949  
 TEL: (508) 533-0000 FAX: (508) 533-0000

NOTES:

1. HYDROGRAPHIC DATA SHOWN HERE IN WAS COLLECTED ON JUNE 28, 2010 BY BOURNE CONSULTING ENGINEERING AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED DURING THE TIME OF SURVEY.
2. SOUNDINGS AND ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON MEAN LOW WATER DATUM. POSITIVE VALUES REPRESENT DEPTH ABOVE THAT SAME PLANE.
3. DREDGE AREAS ARE SHOWN TO AN EL. -6, WITH SIDE SLOPES TO MEET EXISTING GRADE AT 1V:3H SLOPE, WITH A 1' OVERDREDGE.
4. UPLAND FEATURES WERE TAKEN FROM MA GIS-MORIS LAYER ASSESSOR'S PARCELS LEVEL 0-FOR ORTHO PHOTOS ON JANUARY 6, 2012.
5. MATERIAL DISPOSAL WILL BE OFFSITE AT THE MASS. BAY DISPOSAL SITE

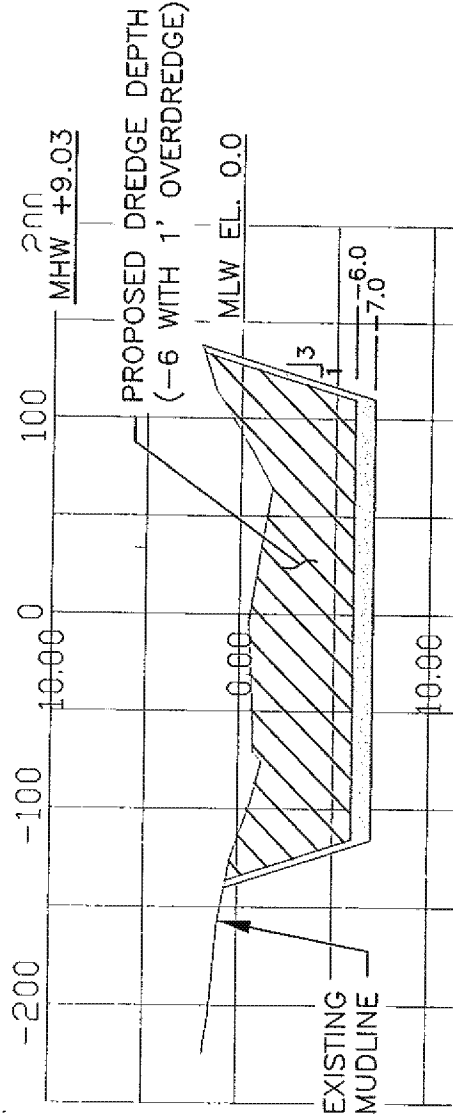
PROPOSED DREDGE LIMITS (-6 MLW)  
 PHASE 1: STA 36+00 TO 53+88  
 -6 DREDGE 43,700 CY  
 -7 DREDGE 10,000 CY  
 TOTAL 53,800 CY

PHASE 1 DREDGE AREA: 315,005 SF  
 INTERTIDAL IMPACT: 94,105 SF



DREDGE SECTION STA 40+00

SCALE: HORIZONTAL 1"=100'  
 VERTICAL 1"=10'



DREDGE SECTION STA 50+00

SCALE: HORIZONTAL 1"=100'  
 VERTICAL 1"=10'



SCALE: 1"=200' -0"

100 YR FLOOD HTL MHW	+14.5 +11.37 +9.03	NGVD MLW	+4.50 0.0	TITLE:  PURPOSE: MAINTENANCE DREDGING	DREDGE SECTIONS  APPLICATION BY: CITY OF BEVERLY	IN: BEVERLY AT: BASS RIVER COUNTY: ESSEX STATE: MA	SHEET 6 OF 6 DATE: 01/06/12
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